

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DONTAVIUS LEVERING,

Plaintiff,

vs.

DISTRICT 41 OF OMAHA, POLICE CHIEF
O.PD., and OFFICER BRADFORD,

Defendants.

8:23CV527

MEMORANDUM AND ORDER

On December 11, 2024, Plaintiff filed a motion to proceed in forma pauperis. [Filing No. 5](#). However, his motion does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor”). Plaintiff has the choice of either submitting the \$405.00 filing and administrative fees to the Clerk’s office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).¹ Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s motion to proceed in forma pauperis, [Filing No. 5](#), is denied without prejudice to reassertion in a motion to proceed IFP that complies with [28 U.S.C. § 1915](#).

¹ If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court’s \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\)](#); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$55.00 administrative fee assessed to non-IFP plaintiffs. Prisoner plaintiffs are required to pay the full amount of the Court’s \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. [28 U.S.C. § 1915\(b\)](#).

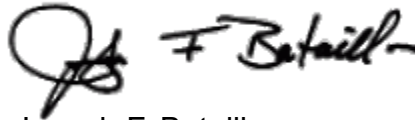
2. Plaintiff is directed to submit the \$405.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **March 29, 2024**: Check for new MIFP or payment.

Dated this 28th day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge